

## **SECTION 16: VARIANCES AND SPECIAL USE PERMITS**

(Amended by Ord. No. 810, effective 1-11-62; title  
amended by Ord. No. 2719, effective 8-28-86)

(Initial paragraph repealed by Ord. No. 2719, effective 8-28-86.)

### **VARIANCES I.**

(Part I was repealed and a new Part I added by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2982, effective 1-2-92.)

#### **A.**

When practical difficulties, unnecessary hardships or results inconsistent with the general purpose of this Ordinance result through the strict and literal interpretation and enforcement of the provisions thereof, the Planning Commission of the County of Tulare, upon the receipt of a verified application from the owner of the property affected, stating fully the grounds for the application and the facts relied upon, or upon the motion of said Commission, shall have authority as an administrative act, to grant, upon such conditions and safeguards as it may determine, such variances to the provisions of this Ordinance as may be in harmony with its general purpose and intent, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Except, certain variances to the terms set forth in Subsection E of Part 15 of this Ordinance needed to obtain a building permit may be granted in the manner provided in Subsection B of this Part I.

### **MINOR MODIFICATIONS ON BUILDING PERMITS IN A STATE RESPONSIBILITY AREA B.**

On building permits within a State Responsibility Area, the Tulare County Fire Warden or his duly authorized deputy, upon the receipt of a verified application from the owner of the property affected, stating fully the grounds for the application and the facts relied upon, shall have authority as an administrative act to grant, without notice and hearing, certain minor modifications as variances to the terms of Subsection E of Section 15 of this Ordinance as may be in harmony with its general purpose and intent, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. For such purpose alone, the Tulare County Fire Warden or his duly authorized deputy is designated a Zoning Administrator. As Zoning Administrator, the Tulare County Fire Warden or his duly authorized deputy shall grant variances only in compliance with Government Code section 65906 and upon determining such variances are consistent with the intent of this Ordinance and Title 14 of the California Code of Regulations, sections 1270 through 1274.04. Such authority to grant variances is limited to the following:

1. Decreases not to exceed 10% of the lane width minimum requirements of Subsection E, Subpart 2, paragraphs a through c of this Ordinance.
2. Decreases not to exceed 10% of the clearance minimum or the grade maximum requirements of Subsection E, Subpart 2, paragraph a of this Ordinance.
3. Increases not to exceed 25% of the maximum distance before a turnout is required in Subsection E, Subpart 2, paragraph a of this Ordinance.
4. Decreases not to exceed 10% of the minimum width or length requirements for turnouts specified in Subsection E, Subpart 2, paragraph a of this Ordinance.
5. Changes not to exceed 20% of the minimum requirements set for turnaround or

- Hammerhead Ts in Subsection E, Subpart 2, paragraph a of this Ordinance.
6. Decreases not to exceed 10% of the setback requirements in Subsection E, Subpart 5, paragraph a of this Ordinance.
  7. Changes consisting of allowing compliance with one or more of the Standards set forth in the most current edition at the time of adoption of this Subpart of the National Fire Protection Association Pamphlet 80-A as an alternative to the requirements in Subsection E, Subpart 5, paragraph b.

### **VARIANCE APPEALS C.**

All variances granted or denied by the Planning Commission or by the Tulare County Fire Warden or his duly authorized deputy under Subsection B shall be subject to appeal to the Board of Supervisors in the manner provided in Section 18 of this Ordinance.

### **MINOR DEVIATIONS D.**

(Section D added by Ord. No. 3160, effective 06-15-96) The Planning and Development Director or his designee may grant certain minor deviations from established zoning development standards or restrictions within the following limits and according to the following procedures, provided the Director finds the request to be consistent with the General Plan, is in substantial compliance with this ordinance, is exempt from California Environmental Quality Act review, does not adversely affect surrounding properties or the property of the applicant, and is for good cause and to avoid a substantial hardship:

1. Any minor deviation granted shall be within the following limits:
  - a. A decrease of not more than ten percent (10%) of the required minimum lot size, width or depth.
  - b. A decrease of not more than ten percent (10%) of the required width of a side yard or the required setback distance between buildings.
  - c. A decrease of not more than ten percent (10%) of the required front or rear yard.
  - d. An increase of not more than one (1) foot in the permitted height of a fence or wall.
  - e. An increase of not more than ten percent (10%) of the permitted projection of eaves, overhangs, or similar structures, into any required front, rear, or side yard.
  - f. An increase of not more than ten percent (10%) in the maximum allowable lot coverage.
  - g. An increase of not more than ten percent (10%) in the permitted height of buildings.
  - h. A single story addition built along existing building lines that encroaches into a front, side or rear yard where that yard was legally established but is nonconforming
  - i. The permitted height of solid material fencing allowed in the rear and side setbacks where there is a grade differential of more than thirty-six inches (36") between adjoining lots in the residential zones.
  - j. Any encroachment into a required front yard of a developed residential lot, which does not project closer to the front property line than the forwardmost building line
  - k. An increase of not more than ten percent (10%) of the maximum lot size required for a homesite in an agricultural zone.
  - l. A decrease of not more than ten percent (10%) in required setbacks for water-courses, not including sewage disposal systems.
  - m. A decrease of not more than five (5) feet in the required separation between a main

building and an accessory building located in a rear yard.

- n. An increase of not more than one (1) foot in the maximum height of a fence, hedge or landscape architectural feature located in any front, side or rear yard.
- o. A decrease of not more than twenty-five percent (25%) of the required separation between a structure used for human habitation and a pen, coop, stable, barn, corral, or other structure housing livestock or poultry.
- p. Such other circumstances as the Board of Supervisors may by resolution direct to be processed as a minor deviation.

(NOTE: The following is a list of the circumstances established by the Board of Supervisors which may be processed as a minor deviation.)

Second story additions built along existing building lines that encroach into a front, side or rear yard where that yard was legally established but is nonconforming (Resolution No. 96-0737, adopted 8/20/96).

- 2. A request for approval of a minor deviation shall be considered in accordance with the following process:

- a. Application for Minor Deviations shall be made to the Planning and Development Director, in writing, on forms authorized, accompanied by the fee set forth in Section 18.
- b. Notice of the application and the comment period shall be given to all owners of contiguous properties as shown on the latest equalized assessment roll by first-class mail at least ten (10) working days prior to the rendering of a decision by the Director. After receiving a request for a Minor Deviation for any of those items specified in paragraph 1, the Planning and Development Director shall either grant, deny, or grant with conditions, the application. The applicant, all owners of contiguous and adjacent property and members of the Planning Commission and Board of Supervisors shall be mailed a copy of the Director's decision. The decision shall be final unless appealed.
- c. Appeals:
  - i. Any person adversely affected by the decision of the Director on a Minor Deviation may appeal the decision to the Board of Supervisors. An appeal to the Board of Supervisors shall be in writing and filed with the Clerk of the Board of Supervisors in accordance with Section 165 of the Ordinance Code of Tulare County.
  - ii. At the next regular meeting of the Board of Supervisors following the filing of the appeal, the Board of Supervisors shall set the matter for hearing. The Clerk shall give notice of the time and place of the hearing in the manner provided in paragraph 2.b and in Section 165 of the Ordinance Code of Tulare County. In addition, the Clerk shall give notice to any other interested person who has requested notice of such hearing.
  - iii. The Board of Supervisors shall hear the appeal in accordance with Section 165 of the Ordinance Code of Tulare County. After the appeal hearing, the Board of Supervisors may affirm, reverse, or modify the decision of the Planning and Development Director, or refer the matter to the Director for further action. The decision of the Board of Supervisors shall be final and conclusive as to all things involved in the matter.
  - iv. Within seven (7) days after the action by the Board of Supervisors, the Clerk of the Board shall give written notice of the decision to the person filing the appeal, the applicant, the Planning and Development Director, the Planning Commission, and to any other person who requests such written

notice.

## **SPECIAL USE PERMITS II. A.**

The Planning Commission, upon receipt of a verified application from the owner of the property affected, stating fully the grounds for the application and the facts relied upon, or upon the motion of the said Commission, shall have authority, as an administrative act, to grant or deny Special Use Permits for the uses set forth in Subsection B of this Part. Such Special Use Permits shall be granted or appeal to the Board of Supervisors in the manner provided in Section 18 of this Ordinance. (Amended by Ord. No. 2179, effective 11-23-78; amended by Ord. No. 2719, effective 8-28-86.)

## **SPECIAL USES AND ZONES IN WHICH ALLOWABLE B.**

All of the following, and all structures and accessory uses directly related thereto, are declared to be special uses and permitted only in the various zones indicated below upon the granting of a Special Use Permit, and authority for the location and operation thereof shall be granted only under the provisions of Part II of this section. This declaration is based upon the fact that all of the uses herein enumerated possess characteristics of unique and special forms so as to make impractical their being included automatically in any specific zone. (Uses repealed from use list by Ord. No. 703, effective 8-27-59 and Ord. No. 1585, effective 5-31-73; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89.)

**Aircraft industries and service establishments** engaged in manufacturing, testing, repair or maintenance services to aircraft used solely for agricultural purposes where such industries and services are located with an airport and/or heliport - AE, AE-10, AE-20, AE-40, AE-80, A-1. (Added by Ord. No. 2388, effective 12-12-80; amended by Ord. No. 2754, effective 1-15-87.)

**Airport** - AE-20, AE-40, AE-80, A-1, AF, RC, O, M-1, M-2, AP. However, no permit is required to locate an airport in the A-1 Zone in conformance with the Tulare County Airport Master Plan. (Amended by Ord. No. 422, effective 3-28-50; amended by Ord. No. 703, effective 8-27-59; amended by Ord. No. 731; effective 10-13-60; amended by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2956, effective 4-11-91.)

**Airport, agricultural** - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, O, M-1, M-2, AP. (Added by Ord. No. 1169, effective 10-26-67; amended by Ord. 1946, effective 8-12-76; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2407, effective 3-26-81.)

**Alcoholic beverages, sale of under an on-sale license** - C-1, C-2, C-3, CO, O, M-1. (Amended by Ord. No. 1382, effective 5-28-70; amended by Ord. No. 1539, effective 1-11-73; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89.)

**Animal hospital, clinic, and veterinarian office for large animals (i.e. horses, cattle, sheep, etc.) and/or small/domestic animals (i.e. dogs, cats, etc.)** - RC, R-A, O, C-3, M-1, M-2, A-1, AE.

(Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2566, effective 9-29-83; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2956, effective 4-11-91; amended by Ord. No. 3131, effective 10-12-95.)

**Animal hospital, clinic, and veterinarian office wherein only small/domestic animals (i.e. dogs, cats, etc.) are treated**, providing all operations are conducted within a completely enclosed soundproof structure - CO, C-2, C-3. (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 731, effective 10-13-60; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 3131, effective 10-12-95.)

**Animal hospital, clinic, and veterinarian office wherein primarily large animals (i.e. horses, cattle, sheep, etc.) are treated**; not to include facilities whose primary purpose is to treat small/domestic animals (i.e. dogs, cats, etc.) - AE-10, AE-20, AE-40, AE-80. (Added by Ord. No. 3131, effective 10-12-95.)

**Animal sales yard** - AE, AE-20, AE-40, AE-80, A-1, AF, M-2. (Added by Ord. No. 702, effective 8-27-59; amended by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407, effective 3-26-81.)

**Assemblage of people for educational or entertainment purposes**. (Repealed by Ord. No. 3416, effective 11-9-10.)

**Automobile parking lots, public parking areas or storage garages** on property adjacent to any "C" Zone (CO, C-1, C-2 or C-3 Zones) - R-A, R-O, R-1, R-2, R-3. (Relocated from Part I.C and amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89.)

**Automobile wrecking** - C-3, M-1, M-2; provided, however, that in the C-3 and M-1 Zones automobile wrecking shall be limited to only the dismantling, storage or sale of used motor vehicle parts and no outside storage or wrecking of car bodies or wrecked vehicles shall be allowed. (Added by Ord. No. 2542, effective 7-7-83; amended by Ord. No. 2719, effective 8-28-86.)

**Ball Park** - A-1, AE, O, CO, C-2, C-3, M-1, AP. (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89.)

**Bed and Breakfast Home with three or more guests rooms** - A-1, AE, AE-10, AE-20, AE-40, AE-80, AF, RC, R-A, MR, R-O, R-1, R-2, R-3. (Added by Ord. No. 3222, effective 4-22-99.)

**Biomass Fuel Manufacture, commercial** - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, M-1, M-2. (Added by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2956, effective 4-11-91.)

**Biomass Fuel Manufacture, personal** - AE, A-1, M-1, M-2. (Added by Ord. No. 2350, effective 7-31-80.)

**Borrow pit** - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, R-A, O, M-1, M-2, AP; provided, however, that no Use Permit shall be required if a surface mining permit and/or reclamation plan is required under the provisions of Section 7700 et. seq. of the Ordinance Code of Tulare County. (Added by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2220, effective 3-29-79; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2956, effective 4-11-91.)

**Bowling Alley** - CO, C-2, C-3, O, M-1. (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1539, effective 11-1-73; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89.)

**Cabaret, night club, dancing or entertainment in a bar, cafe or restaurant** - O, CO, C-2, C-3, M-1. (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 731, effective 10-13-60; amended by Ord. No. 1539, effective 1-11-73; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89.)

**Campground** - MR, O, A-1, CO, C-2, AE-10, AE-20, AE-40, AE-80, AF, RC. (Added by Ord. No. 1527, effective 10-12-72; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91.)

**Carnival** - A-1, CO, C-2, C-3, M-1, M-2. (Amended by Ord. No. 703, effective 8-27-59; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89.)

**Cemetery, columbarium, mausoleum, crematory** - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, R-A, MR, R-O, R-3, AP. (Amended by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2956, effective 4-11-91.)

**Church** - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, R-A, MR, R-O, R-1, R-2, R-3, O, CO, C-1, C-2, C-3. (Added by Ord. No. 703, effective 8-27-59, amended by Ord. No. 731, effective 10-13-60; amended by Ord. No. 1169, effective 10-16-67; amended by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91.)

**Circus** - A-1, AE, C-3, M-1, M-2. (Amended by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 2719, effective 8-28-86.)

**Contractor's Storage Yards** that do not qualify as a rural home occupation pursuant to Section 15, Subsection A, paragraph 7c, and which do not involve any manufacturing, fabrication or retail sales of construction material or equipment, provided that the use is accessory to an on-site dwelling unit occupied by the owner of the facility and provided that the lot or parcel does not exceed five (5) acres in size A-1, AE, AE-10, AE-20, AE-40, AE-80, AF, RC, and R-A, provided that

contractor's storage yards in the RA Zone shall also comply with Section 15.A.10. No special use permit for a contractor's storage yard shall be approved unless the open storage of materials and equipment is restricted to an area surrounded and screened by a solid wall or fence or compact evergreen hedge (with solid gates where necessary), not less than six (6) feet in height, provided that no materials shall be stored to a height greater than that of the wall, fence or hedge. (Added by Ord. No. 2810, effective 12-31-87; amended by Ord. No. 2956, effective 4-11-91; amended by Ord. No. 3356, effective 2-8-08)

**Dairy** - when more than 25 cows are on the property at any time - A-E, AE-20, AE-40, AE-80, A-1, AF. (Added by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1526, effective 10-5-72; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407, effective 3-26-81.)

**Dance hall** - CO, C-2, C-3, M-1, O. (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1539, effective 1-11-73; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89.)

**Equestrian establishments** such as academies, schools, and stables - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, R-A, MR, O, CO, M-1. (Added by Ord. No. 731, effective 10-13-60; amended by Ord. No. 967, effective 10-15-64; amended by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91.)

**Expansion, Alteration or Replacement of non- conforming buildings and uses** which were legally established in accordance with all applicable building and zoning regulations on or before the effective date of a reclassification of zones encompassing the property and which are now nonconforming under Section 15, Subsection A, USE, paragraph 4, - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, R-A, MR, R-O, R-1, R-2, R-3, O, P-O, P-1, CO, C-1, C-2, C-3, M-1, M-2, AP. (Added by Ord. No. 2708, effective 5-30-86; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91.)

**Fairground** - A-1, C-2, C-3, M-1, M-2. (Amended by Ord. No. 703, effective 8-27-59; amended by Ord. No. 2719, effective 8-28-86.)

**Family Day Care Home, Large** - A-1, AE, AE-10, AE-20, AE-40, AE-80, AF, RC, R-A, MR, R-O, R-1, R-2, R-3. (Added by Ord. No. 3222, effective 4-22-99)

**Farmworker Housing** - R-A, AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, and where the farmworker housing consists of manufactured homes, mobilehomes or recreation vehicles - R-2, R-3, C-2. (Added by Ord. No. 3009, effective 9-24-92.)

**Fire Station** - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, R-A, MR, R-O, R-1, R-2, R-3, O, CO, P-O, P-1, C-1, C-2, C-3, M-1, M-2, AP. (Added by Ord. No. 1311, effective 6-19-69; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91.)

**Flammable liquids stored above ground** for a period of forty-eight (48) hours or more in containers having an aggregate capacity in excess of two thousand (2,000) gallons per lot or parcel, or contiguous lots or parcels, in permanent, temporary or mobile containers, indoors or outdoors, whether intended for commercial or private use on or off the premises, and where stored as a primary, accessory or incidental use - A-1, AE-20, AE-40, AE-80, AF, RC, CO, C-3, M-1, M-2; except that a Special Use Permit shall not be required to locate propane and/or gasoline tanks with an aggregate capacity of 10,000 gallons in size or smaller, for personal agricultural use exclusively, in the AE-10, AE-20, AE-40, AE-80, AF, and RC zones, provided the property upon which the storage tank(s) is/are to be placed is outside of any Urban Area Boundary, Urban Improvement Area or Urban Development Boundary; also provided that the parcel or contiguous parcels upon which the tank(s) is/are to be placed contain at least ten (10) acres or more (sectional 10 acres included); and further provided that the development standards incorporated herein under Section 15 are met in full. For all contiguous ownership, regardless of the number of parcels or overall amount of acreage, the maximum aggregate above-ground storage of flammable fuel shall not exceed 10,000 gallons unless a Special Use Permit is approved. Regardless of the foregoing, no permit is required to store flammable liquids in railroad tank cars when such tank cars are located on property under railroad company ownership. Also, regardless of the foregoing, a special use permit shall not be required for cargo tanks on vehicles used for highway transportation of flammable liquids even though they may be parked or stored at one location for a period in excess of forty-eight (48) hours because of vehicle repairs, acts of God or other reasons that make it impractical for the vehicle to deliver the flammable liquids within said forty-eight (48) hour period, so long as the owner of the vehicle or the load, or anyone acting on their behalf, notifies the Director of the Tulare County Resource Management Agency or his/her designee within said forty-eight (48) hour period of the location of the vehicle and the reason for the storage. The Director of the Tulare County Resource Management Agency or his/her designee shall notify the County Fire Warden of the location of such vehicles. (Added by Ord. No. 1557, effective 4-12-73; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91; amended by Ord. No. 3219, effective 3-11-99).

**Golf Course** - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, R-A, R-O, O, CO, AP. (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 731, effective 10-13-60; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2-9-10, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91.)

**Golf driving range** - A-1, O, CO, C-2, AP. (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2910, effective 12-28-89.)

**Hazardous waste facility, Specified** - AE-10, AE-20, AE-40, AE-80, AF, M-1, M-2. No special use permit for a specified hazardous waste facility shall be approved unless the Board of Supervisors finds, based upon substantial evidence in the record, that the facility is consistent with Sections 7.2 and 7.3 of the Tulare County Hazardous Waste Management Plan which identify siting criteria for hazardous waste facilities. (Added by Ord. No. 2918, effective 8-25-90.)

**Heliport** - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, O, P-O, CO, C-2, C-3, M-1, M-2, AP.



(Added by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91.)

**Helipoint, agricultural** - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, O, M-2, AP. (Added by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1520, effective 8-31-73; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2956, effective 4-11-91.)

**Hospital, sanitarium and nursing home** - A-1, R-A, MR, R-3, P-O, C-2. (Amended by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 2956, effective 4-11-91.)

**Jails or correctional institution** - AE-20, AE-40, AE-80, A-1, AF, C-2, C-3, M-1, M-2. However, no permit is required to locate a jail or correctional institution in conformance with the Public Buildings Element of the Tulare County General Plan. (Added by Ord. No. 2430, effective 8-28-81; amended by Ord. No. 2719, effective 8-28-86.)

**Kennels** - for commercial breeding, boarding, training or other commercial purposes. AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, R-A, O, CO, C-2, C-3, M-1, M-2, AP (Added by Ord. No. 2335, effective 6-5-80; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2-5-66, effective 9-29-83; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2828, effective 3-31-88; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91; amended by Ord. No. 3435).

**Labor camp, permanent** - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, R-3, C-2. (Amended by Ord. No. 1073, effective 6-16-66; amended by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407, effective 3-26-81.)

**Memorial building, theatre, auditorium**, not including school auditorium - R-3, CO, C-1, C-2. (Amended by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1539, effective 1-11-73; amended by Ord. No. 2910, effective 12-28-89.)

**Miniature golf course** - O, CO, C-2, C-3, M-1. (Added by Ord. No. 1539, effective 1-11-73; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89.)

**Mining or extraction of metals, minerals, oil, gas, or hydrocarbons**, together with necessary buildings, apparatus, and appurtenances incidental thereto - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, R-A, MR, R-O, R-1, R-2, R-3, O, P-O, P-1, C-1, C-2, C-3, M-1, M-2, AP; provided, however, that no Use Permit shall be required if a surface mining permit and/or reclamation plan is required under the provisions of Section 7700 et. seq. of the Ordinance Code of Tulare County. (Amended by Ord. No. 703, effective 8-27-59; amended by Ord. No. 731, effective 10-13-60; amended by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1520, effective 8-13-72; amended by Ord. No. 1946, effective 8-12-76;

amended by Ord. No. 2220, effective 3-29-79; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2956, effective 4-11-91.)

**Mobilehome development** - R-A, MR, R-O, R-1, R-2, R-3. However, no special use permit shall be required if any of the aforementioned zones is combined with the M, Special Mobilehome Combining, Zone as set forth in Section 14.3 of this Ordinance. (Added by Ord. No. 2480, effective 7-1-82; amended by Ord. No. 2956, effective 4-11-91.)

**Mobilehome parks** - R-A, MR, R-O, R-1, R-2, R-3, O, CO. (Added by Ord. No. 1149, effective 7-27-67; amended by Ord. No. 1539, effective 1-11-73; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 2480, effective 7-1-82; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91.)

**Motion picture studio** - C-2, C-3. (Relocated From Part I.D and amended by Ord. No. 2719, effective 8-28-86.)

**Nursery school** - R-A, MR, R-1, R-2, R-3, O, CO, C-1, C-2. (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 731, effective 10-13-60; amended by Ord. No. 1539, effective 1-11-73; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91.)

**Police station** - MR, AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, O, CO, P-O, C-1, C-2, C-3, M-1, M-2, AP. (Added by Ord. No. 1528, effective 10-12-72; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91.)

**Private club, lodge, fraternity, sorority**, excluding those the chief activity of which is a service customarily carried on as a business - R-A, MR, R-3, O, CO, C-1, C-2, C-3. (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 731, effective 10-13-60; amended by Ord. No. 1539, effective 1-11-73; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91.)

**Public Park or playground** - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, R-A, MR, R-O, R-1, R-2, R-3, O, CO, C-1, C-2, AP. (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 731, effective 10-13-60; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91.)

**Public utility structure** - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, R-A, MR, R-O, R-1, R-2, R-3, P-O, P-1, O, CO, C-1, C-2, C-3, AP. (Added by Ord. No. 1169, effective 10-26-27; amended by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1585, effective 5-31-83; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91.)

**Public Works Maintenance Facilities** - MR, AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, AP. (Added by Ord. No. 1717, effective 5-7-74; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2956, effective 4-11-91.)

**Race track**, including drag track, quarter midget track, go-cart track, motorcycle track, automobile, horse, and other tracks, excepting school track - A-1, C-3, M- 1, M-2, AP. (Amended by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2719, effective 8-28-86.)

**Radio, microwave and television towers** - All Zones. Special Use Permits are required for all towers over 75 feet in height. Special Use Permits are required for towers 75 feet in height or less if located in an Urban Development Boundary (UDB) established in the General Plan, within two miles of an airport or heliport, or in a Scenic Corridor "SC" combining zone. Special Use Permit requirements must be in compliance with the Federal Telecommunications Act of 1996 and other requirements of Federal and State law. (Amended by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91; amended by Ord. No. 3349, effective 11-2-07.)

**Recreation center** - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, R-A, MR, R-O, R-1, R-2, R-3, O, CO, C-1, C-2, C-3. (Amended by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91.)

**Recreation Vehicle Park** - MR, O, A-1, CO, C-2, AE-10, AE-20, AE-40, AE-80, AF, RC. (Added by Ord. No. 2453, effective 12-24-81; amended by Ord. No. 2956, effective 4-11-91.)

**Religious revival meeting** - (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2956, effective 4-11-91; repealed by Ord. No. 3131, effective 10-12-95.)

**Rifle, pistol, shotgun, and archery clubs and ranges** - A-1, AE, AE-10, AE-20, AE-40, AE-80, AF, RC, O. Regardless of the foregoing, no permit is required for rifle, pistol, shotgun and archery ranges maintained for private use by residents residing on the property on which the range is located. Also, regardless of the foregoing, a special use permit shall not be required for indoor ranges which are customarily accessory and incidental to the conduct of an allowed use. (Added by Ord. No. 1602, effective 7-5-73; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407, effective 3-2-61; amended by Ord. No. 2956, effective 4-11-91.)

**Rodeo ground or roping arena** - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, O, CO, M-1, M-2, AP. (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1169, effective 10-26-67;

amended by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2407, effective 8-26-81; amended by Ord. No. 2956, effective 4-11-91.)

**Satellite television antennas** with a reflector area exceeding one hundred twenty (120) square feet - CO, R-A, MR, R-O, R-1, R-2. As used herein, the reflector area shall be determined by computing the area of the horizontal plane or space across the face of the receiving component. (Added by Ord. No. 2538, effective 6-6-83; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91.)

**School, private** - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, R-A, MR, R-O, R-1, R-2, R-3, O, P-O, P-1, CO, C-1, C-2, C-3, M-1. (Added by Ord. No. 1169, effective 10-16-67; amended by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 1407, effective 3-26-81; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91.)

**School, public** - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, R-A, MR, R-O, R-1, R-2, R-3, O, P-O, P-1, CO, C-1, C-2, C-3, M-1. (Added by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89 amended by Ord. No. 2956, effective 4-11-91.)

**Skating rink, roller and ice** - O, CO, C-2, C-3, M-1. (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 731, effective 10-13-60; amended by Ord. No. 1539, effective 1-11-73; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89.)

**Solid Waste Disposal Truck Facility** - if located within the Urban Area Boundary or Urban Development Boundary of an unincorporated community and if more than one-half (1/2) of the solid waste collection service within Tulare County, measured by tonnage, is provided to unincorporated areas - AE- 20, AE-40, AE-80, A-1, AF. (Added by Ord. No. 3026, effective 4-22-93.)

**Solid Waste Recycling Operation** - AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, C-2, C-3, M-1, M-2, AP; provided, however, that in the C-2 and C-3 Zones a solid waste recycling operation shall be limited only to the collection and assemblage of solid waste materials from previously prepared products, not including waste food materials, for transport to other sites for recycling, processing, manufacture or treatment; and provided further that a special use permit shall not be required for a recycling collection center which is operated as an accessory use in the C-2, C-3, M-1, and M-2 Zones and for permitted transfer facilities in the M-1 and M-2 Zones. (Added by Ord. No. 2542, effective 7-7-83; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2817, effective 2-18-88; amended by Ord. No. 2901, effective 11-2-89; amended by Ord. No. 2956, effective 4-11-91.)

**Stadium or sports arena**, excluding school - A-1, O, CO, C-2, C-3, M-1. (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89.)

**Swap Meet** - C-2, C-3, M-1. (Added by Ord. No. 2719, effective 8-28-86.)

**Tallow manufacture and/or disposal of agricultural animals** - AE-40, AE-80, AF (Added by Ord. No. 2977, effective 10-30-91.)

**Temporary buildings and uses** not otherwise expressly permitted by the zone in which located, for periods of not to exceed two (2) years if located outside of an Urban Improvement Area or Urban Development Boundary adopted pursuant to the Urban Boundaries Element of the General Plan, and for periods of not to exceed six (6) months if located within an Urban Improvement Area or Urban Development Boundary - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, RC, R-A, MR, R-O, R-1, R-2, R-3, O, P-O, P-1, CO, C-1, C-2, C-3, M-1, M-2, AP. (Relocated from Part I.G and amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89; amended by Ord. No. 2956, effective 4-11-91.)

**Theatre, open air and drive in** - CO, C-2, C-3, M-1. (Amended by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1539, effective 1-11-73; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 2719, effective 8-28-86; amended by Ord. No. 2910, effective 12-28-89.)

**Waste and refuse disposal sites**, private and public - A-1, AE, AE-10, AE-20, AE-40, AE-80, AF, RC, M-2. (Added by Ord. No. 1602, effective 7-5-73; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2956, effective 4-11-91.)

A Special Use Permit shall be granted only if it is found that the establishment, maintenance and operation of the use of building or land applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood, or to the general welfare of the County. Special Use Permits may be granted subject to such conditions as will ensure compliance with the aforementioned standards. (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1169, effective 10-26-67.)

In addition to the special uses listed hereinabove, certain zones included in this Ordinance also contain additional special uses which require Special Use Permits. (Added by Ord. No. 1371, effective 4-16-70; amended by Ord. No. 1520, effective 8-31-72.)

#### **AUTHORITY TO IMPOSE CONDITIONS C.**

All Special Use Permits shall be approved and allowed subject to such conditions and safeguards as the authority granting the permit shall specify, under the provisions of this Part and Part III of this Section pertaining to Variances, provided that showings required by Paragraph C of part III of this Section need not be made (Amended by Ord. No. 481, effective 11-29-51; amended by Ord. No. 1557, effective 4-12-73; amended by Ord. No. 2179, effective 11-12-78.)

#### **SPECIAL USE PERMITS AND VARIANCES: ZONING ADMINISTRATOR D.**

1. As an alternative to the procedures otherwise set forth in this Ordinance for acting on Special Use Permits and for acting on variances allowed under Parts I and II of this Section, the Board of Supervisors may, by resolution, authorize the Zoning Administrator to hold the hearing and make the decision on applications for specified Special Use Permits and

- variances. The Board may also adopt criteria, standards, policies and controls to provide assistance and guidance to the Zoning Administrator in making decisions under the standards which are set forth in this Ordinance. (Added by Ord. No. 481, effective 11-29-51; amended by Ord. No. 1972, effective 11-8-76.)
2. When so authorized, the Zoning Administrator shall hear and decide applications for such Special Use Permits and variances pursuant to the following procedures: (Added by Ord. No. 1972, effective 11-8-76.)
- a. The Zoning Administrator shall prescribe the form, contents and manner of preparing and submitting the application for a Special Use Permit or variance. The fee prescribe in Section 18 of this Ordinance shall be paid at the time that the application for Special Use Permit or variance is filed.
  - b. There shall be a public hearing before the Zoning Administrator on each application. The Zoning Administrator shall set the public hearing on a date not more than thirty (30) days after the filing of the application. However, if an environmental impact report is required to be prepared under the Environmental Quality Act of 1970, and regulations adopted pursuant thereto, the thirty (30) day period shall not start to run until all required procedures in connection with the environmental impact report have been completed.
    - (1) If the Special Use Permit or variance will allow new residential use of the property and such residential use is not allowed without such Permit or variance, the following shall apply:
      - (a) If a school district in which the proposed special use or variance is located has made the findings specified in Section 7-21-1015 of the Ordinance Code of Tulare County and the Board of Supervisors has concurred in such findings and determined the fees payable by a developer in accordance with Sections 7-21-1020 and 7-21-1040 of the Ordinance Code, the Zoning Administrator shall not approve the proposed Special Use Permit or variance without finding that the fees previously determined by the Board are required, and imposing such fees as a condition of approval.
      - (b) The applicant may appeal the requirements of fees to the Board of Supervisors in accordance with Section 7-21-1030 of the Ordinance Code of Tulare County. (Amended by Ord. No. 2668, effective 10-3-85.)
    - (2) If the Special Use Permit or variance will allow a use of real property which is subject to review by the Site Plan Review Committee under Section 16.2 of this Ordinance, the Zoning Administrator shall notify the Site Plan Review Committee of the fact that the permit or variance is under consideration. No decision of the Zoning Administrator on a Special Use Permit or variance subject to review by the Site Plan Review Committee shall be made unless and until the Site Plan Review Committee submits a written report as required by this Ordinance. (Paragraph (2) added by Ord. No. 2417, effective 5-28-82; amended by Ord. No. 2668, effective 10-3-85.)
  - c. Not less than ten (10) days prior to the public hearing, the Zoning Administrator shall cause notice of hearing to be given in accordance with Section 65905 of the Government Code of the State of California. (Amended by Ord. No. 2647, effective 2-28-85.)
  - d. The decision of the Zoning Administrator shall be in writing and shall include

- findings of facts relied on in making the decision.
- e. A copy of the decision of the Zoning Administrator shall be publicly posted at or near the door of the Planning Department for a period of one (1) week following the making thereof. Not more than two (2) days after making the decision on the application, the Zoning Administrator shall cause a copy of the decision to be mailed to the applicant, to the Board of Supervisors, and to any other person who has expressed an interest therein and has deposited with the Zoning Administrator a self-addressed, stamped envelope for this purpose. Failure to mail or to receive such notice, as a result of mistake or inadvertence, shall not affect the validity of the decision.
  - f. Any person adversely affected by a decision of the Zoning Administrator on the Special use Permit or variance may appeal the decision to the Board of Supervisors. An appeal to the Board of Supervisors shall be in writing and filed with the Clerk of the Board of Supervisors within ten (10) days after the date on which the decision of the Zoning Administrator was made. An appeal shall specifically set forth the grounds for the appeal. Notice of the appeal hearing shall be given by the Clerk of the Board of Supervisors in the same manner as set forth in subparagraph c above. Action on the appeal shall be taken in accordance with Section 65903 of the Government Code and the required notices under Section 65863.5 of the Government Code. (Amended by Ord. No. 2069, effective 12-8-77.)
  - g. The decision of the Zoning Administrator shall become final ten (10) days after the date the decision is made if no appeal has been filed pursuant to paragraph f above. When no appeal has been filed, the Zoning Administrator shall give the required notices under Section 65863.5 of the Government Code on behalf of the Board of Supervisors.
  - h. The procedures set forth above constitutes an alternative procedure to any otherwise provided in this Ordinance for granting Special Use Permits and variances. However, unless the applicant requests that the Planning Commission hear the application, the procedure set forth herein shall be followed by the Zoning Administrator whenever applicable.

#### **AMENDMENTS E.**

Any person holding a Special Use Permit may apply for an amendment to the permit by filing an application with the Planning and Development Director. For purposes of this subpart, the amendment of a Special Use Permit may include modifications of the terms of the permit itself, or the application, waiver or alteration of conditions. The same procedures shall be followed in processing an application for the amendment of a Special Use Permit as are applicable to a new permit under this ordinance including, but not limited to, the public notices, hearings and appeal rights set forth in Section 18. (Former provision for temporary buildings and uses added by Ord. No. 764, effective 4-23-61; amended by Ord. No. 1094, effective 9-1-66; repealed by Ord. No. 1972, effective 11-8-76; new subpart added by Ord. No. 2884, effective 9-9-89.)

#### **SPECIAL USE PERMITS SUBJECT TO THE RURAL VALLEY LANDS PLAN (RVLP) PARCEL EVALUATION CRITERIA F.**

Special Use Permits for the following uses shall not be approved in the AE, AE-10, AE-20, AE-40, or AE-80 zones on property located outside of an Urban Area Boundary or outside of an Urban Development Boundary (if no Urban Area Boundary has been established) as adopted pursuant to the

Urban Boundaries Element of the General Plan, unless or until an RVLP parcel evaluation results in a determination of "suitable for nonagricultural zoning" pursuant to Section II.B et. seq. of the Rural Valley Lands Plan Element of the County of Tulare General Plan (Added by Ord. No. 3131, effective 10-12-95):

- Campground
- Church Facilities
- Guest Ranch or Summer Camp
- Hunting and Fishing Clubs and Hunting and Fishing on a commercial basis for members of the general public
- Public Park or Playground Recreation Center Recreation Vehicle Park Public School Facilities Private School Facilities

(NOTE: When implementing this subsection for existing facilities, see the "Additional Non-conforming Use Rule in Ord. 3120 in Section 15, pp. 7-8.)

### **ADMINISTRATIVE SPECIAL USE PERMITS G.**

In all matters required by this Ordinance to be reviewed or which are made subject to securing a Special Use Permit, the review and the determination following such review, and the approval or denial of a Special Use Permit, may be handled as administrative acts by the Planning and Development Director, provided that the Planning Commission, with the approval of the Board of Supervisors, each by Resolution, have declared the criteria, standards, policies and controls to apply in each or all cases. A request for approval of a Special Use Permit which has been authorized as an administrative act under this subsection shall be processed in accordance with the procedures set forth for minor deviations in Part I, Subsection D, paragraph 2 of this section; including, but not limited to, the provisions for notices and appeals set forth therein. (Added by Ord. No. 3183, effective 7-1-97)

NOTE: The Planning and Development Director has been authorized to handle the following special uses as administrative acts. Refer to Appendix 3.

- Alcoholic Beverages, sale of under an on-sale license, beer and wine only in conjunction with meals served in an existing restaurant (Planning Commission Resolution No. 7776).
- Second Residences or mobilehomes in agricultural zones (Planning Commission Resolution No. 7777).
- Exploration of oil and gas under a temporary (2 year) permit for wells no closer than ¼ mile to an off-site residence (Planning Commission Resolution No. 7778).
- Increased density of existing residences caused by division or adjustments of land in agricultural zones (Planning Commission Resolution No. 7779).
- Second Units (Planning Commission Resolution No. 8042).
- Kennels for private, non-commercial use (Added by Ord. No. 3435, effective 3-27-12).
- Public works staging areas for the storing of equipment and materials, and temporary construction offices associated with public projects (Added by Ord. No. 3434, effective 2-23-12).

### Mixed Use Overlay

**H.** All of the following, and all structures and accessory uses directly related thereto in this section are entitled without a Special Use Permit (Conditional Use Permit). The following is allowed only in the various zones indicated below and within a community plan that adopted development standards for such entitled use. The proposed use must adhere to the adopted development standards



of the community. The proposed use must also qualify for an exemption under the California Environmental Quality Act as determined by the Permit Center. The Permit Center will review the project for General Plan Policy, Community Plan Policy and development standard consistency and determine which environmental document is appropriate. Projects where the Permit Center is unable to make an immediate determination will be required to go through the Project Review Committee (PRC). (added by Ord. No. 3466, effective 1-15-15)

Uses that have an environmental effect on adjacent properties or necessitate mitigation measures through the California Environmental Quality Act will be required to apply for a PRC and a traditional use permit and legislative process through the County. Projects with a square footage of 80,000 or more will also require traditional use permit. Uses may have environmental or land use issues that may not be compatible with adjacent uses. These impacts may include but are not limited to; hours of operation (night time), noise (i.e. power tools such as impact drivers, or loudspeaker, etc.) air quality (idle running vehicles) traffic, (number of vehicles) and odor. The Permit Center process is to determine the whether the use is by right or must go through the traditional use permit process. (added by Ord. No. 3466, effective 1-15-15)

**APPLICATION:** Communities of Ducor, Terra Bella, Traver, Strathmore, Pixley, and Tipton. The following uses and zones shall be considered: (amended by Ord. 3471, effective 7-15-2015, amended by Ord. 3485, effective 12-3-15)

Animal hospital, clinic, and veterinarian office wherein only small/domestic animals (i.e. dogs, cats, etc.) are treated. C-1, C-2, C-3, M-1, M-2.

Antique and art store. C-2, C-3, M-1, M-2, R-3.

Antique store. C-1, C-2, C-3, M-1, R-2, R-3.

Apartment Hotel O, CO, C-1, C-2, C-3, M-1, R-3.

Apparel stores. CO, C-1, C-2, C-3, M-1, R-3.

Arcades, including video. O, CO, C-1, C-2, C-3, M-1, R-3.

Assemblage of people for educational or entertainment purposes. O, CO, C-1, C-2, C-3, M-1, M-2.

Assembly of electric appliances such as lighting fixtures, irons, fans, toasters and electric toys, refrigerators, washing machines, dryers, dishwashers and similar home appliances. C-2, C-3, M-1, M-2.

Assembly of small electrical equipment such as home and television receivers. O, CO, C-1, C-2, C-3, M-1, R-3.

Assembly of typewriters, business machines, computers, and similar mechanical equipment. O, CO, C-1, C-2, C-3, M-1, M-2, R-3.

Automated car wash (coin operated only). O, CO, C-1, C-2, C-3, M-1, M-2, R-3, AP.

Automobile parking lots, public parking areas or storage garages. O, CO, C-1, C-2, C-3, M-1, M-2, R-3, AP.

Automobile supply stores. O, CO, C-1, C-2, C-3, M-1, R-3.

Automobile washing, including the use of mechanical conveyors, blowers and steam cleaning. C-2, C-3, M-1, M-2.

Bakery (employing not more than five (5) persons on premises). O, CO, C-1, C-2, C-3, M-1, R-3.

Bakery goods store. CO, C-1, C-2, C-3, M-1.

Banks and financial institutions. C-1, C-2, C-3, M-1, R-3.

Barber shop or beauty parlor. C-1, C-2, C-3, M-1, R-3.

Bed and Breakfast Home with three or more guests rooms (Up to 5). CO, C-1, C-2, C-3, M-1, R-3, R-2.

Bicycle shops. Structure. CO, C-1, C-2, C-3, M-1, R-3.

Billiard or Pool hall Structure. C-2, C-3, M-1.

Bird store or pet shop. O, CO, C-1, C-2, C-3, M-1.

Blueprinting and Photostatting shop. CO, C-1, C-2, C-3, M-1, AP.

Boat sales and service. O, CO, C-1, C-2, C-3, M-1.

Book binding. O, CO, C-1, C-2, C-3, M-1, R-3.

Book or stationary store. O, CO, C-1, C-2, C-3, M-1, R-3.

Business and professional schools and colleges. CO, C-1, C-2, C-3, M-1.

Business, professional and trade schools and colleges. CO, C-1, C-2, C-3, M-1.

Catering Shops. CO, C-1, C-2, C-3, M-1.

Ceramic shops. CO, C-1, C-2, C-3, M-1.

Christmas tree sales lots as a temporary use. CO, C-1, C-2, C-3, M-1.

Church. CO, C-1, C-2, C-3, M-1.

Clothes cleaning and pressing establishment. CO, C-1, C-2, C-3, M-1.

Clothing and costume rental. CO, C-1, C-2, C-3, M-1.

Confectionery store.CO, C-1, C-2, C-3, M-1.

Conservatory of Music. CO, C-1, C-2, C-3, M-1.

Contractor's Storage Yards. CO, C-1, C-2, C-3, M-1, AP.

Dairy products store. CO, C-1, C-2, C-3, M-1.

Digesters. M-1

Department store. CO, C-1, C-2, C-3, M-1.

Drug store or pharmacy. CO, C-1, C-2, C-3, M-1.

Dry goods or notions store. CO, C-1, C-2, C-3, M-1.

Electric appliance stores and repairs. CO, C-1, C-2, C-3, M-1.

Expansion, Alteration or Replacement of non-conforming buildings and uses. CO, C-1, C-2, M-1, R-1, R-2, R-3, R-A.

Family Day Care Home, Large (Up to CA State maximum). CO, C-1, C-2, R-1, R-2, R-3, RA.

Family Day Care Home, small. CO, C-1, C-2, R-1, R-2, R-3, RA.

Feed and seed stores. CO, C-1, C-2, C-3, M-1, AP.

Fire Station. CO, C-1, C-2, C-3, M-1, AP.

Firewood sales yard. CO, C-1, C-2, C-3, M-1.

Florist shop. CO, C-1, C-2, M-1, R-1, R-2, R-3, RA.

Furniture store. CO, C-1, C-2, C-3, M-1.

Furniture warehouses for storing personal household goods, provided ground floor front is devoted to stores. CO, C-1, C-2, C-3, M-1.

Gasoline filling station. CO, C-1, C-2, C-3, M-1.

Gift, novelty or souvenir. CO, C-1, C-2, M-1, R-2, R-3, RA.

Glass shop, retail, excluding major service activities. C-2, C-3, M-1.

Grocery store. CO, C-1, C-2, C-3, M-1.

Grocery store, fruit store or supermarket. C-1, C-2, C-3, M-1.

Gunsmith shops. CO, C-1, C-2, C-3, M-1.

Healthcare Facilities. All Zones

Hobby and art supply store. CO, C-1, C-2, C-3, M-1.

Hospital, sanitarium and nursing home. C-1, C-2, C-3, M-1, PO.

Household and office equipment and machinery repair shops. C-2, C-3, M-1, PO.

Household appliance stores. CO, C-1, C-2, C-3, M-1.

Ice storage house of not more than 5-ton storage capacity. CO, C-1, C-2, C-3, M-1, AP.

Incidental manufacturing, processing and treatment of products. C-2, C-3, M-1.

Interior decorating store. CO, C-1, C-2, C-3, M-1.

Jail or correctional (public facilities only). C-2, C-3, M-1, M-2.

Jewelry store, including clock and watch repair. CO, C-1, C-2, C-3, M-1.

Laundries. C-2, C-3, M-1.

Laundry, coin operated machines only. CO, C-1, C-2, C-3, M-1.

Leather goods and luggage stores. CO, C-1, C-2, C-3, M-1.

Linen supply services. C-2, C-3, M-1.

Liquor store. Not within 300' of residential/School Site. CO, C-1, C-2, C-3, M-1.

Locksmiths. CO, C-1, C-2, C-3, M-1.

Massage or physiotherapy establishment. CO, C-1, C-2, C-3, M-1.

Meat market or delicatessen store. CO, C-1, C-2, C-3, M-1.

Medical and orthopedic appliance stores. CO, C-1, C-2, C-3, M-1, PO.

Medical laboratory. CO, C-1, C-2, C-3, M-1, PO.

Memorial building, theatre, auditorium. CO, C-1, C-2, C-3, M-1, R-3.

Micro-brewery. \*Allowed in C-1 and C-2 in conjunction with a restaurant. M-1, M-2, C-3, \*C-2, \*C-1

Mini-warehouses. C-2, C-3, M-1, AP.

Mobile home for use by caretaker or night watchman. CO, C-1, C-2, C-3, M-1.

Motorcycle sales and service. C-2, C-3.

Musical instrument repair shops. CO, C-1, C-2, C-3, M-1.

Name plates. CO, C-1, C-2, C-3, M-1, R-3.

Nursery school. CO, C-1, C-2, M-1, R-1, R-2, RA, R3, R-A.

Office, business or professional. CO, C-1, C-2, M-1, R-1, R-2, R-3, PO.

Opticians and optometrists shops. CO, C-1, C-2, C-3, M-1, PO.

Paint and wallpaper stores. C-1, C-2, C-3, M-1. Pet shops. CO, C-1, C-2, C-3, M-1.

Photo processing pick-up and delivery outlets. CO, C-1, C-2, C-3, M-1.

Photographic and blueprint processing and printing. CO, C-1, C-2, C-3, M-1.

Photographic developing and printing. CO, C-1, C-2, C-3, M-1.

Photographic supply stores. CO, C-1, C-2, C-3, M-1.

Picture framing shops. CO, C-1, C-2, C-3, M-1.

Plumbing fixtures for retail sales. CO, C-1, C-2, C-3, M-1.

Plumbing shops. C-2, C-3, M-1.

Police station. O, CO, C-1, C-2, C-3, M-1, M-2.

Post Office.CO, C-1, C-2, C-3, M-1, R-1, R-2, R-3, PO.

Pressing establishments. C-2, C-3, M-1.

Printing, lithography, engraving. CO, C-1, C-2, C-3, M-1.

Private club, fraternity, sorority and lodge. CO, C-1, C-2, C-3, M-1.

Private greenhouses and horticultural collections. CO, C-1, C-2, C-3, M-1, R-1, R-2, R-3, R-A.

Public library. CO, C-1, C-2, C-3, M-1, R-1, R-2, R-3, R-A.

Public Park or playground. O, MR, CO, C-1, C-2, C-3, M-1, M-2 R-1, R-2, R-3, R-A, AP.

Public utility structure. CO, C-1, C-2, C-3, M-1, MR, RO, R-1, R-2, R-3, R-A, PO, O, AP.

Radio and television broadcasting studios. C-2, C-3, M-1.

Radio and television repair shops. C-2, C-3, M-1.

Radio, microwave and television towers (Over 75 feet or within 2 miles of an airport) C-2, C-3, M-1, M-2.

Real Estate Offices. CO, C-1, C-2, C-3, M-1, R-1, R-2, R-3, R-A

Recreation center. CO, C-1, C-2, C-3, M-1.

Repairing and altering of wearing apparel. CO, C-1, C-2, C-3, M-1.

Resort. CO, C-1, C-2, C-3, M-1.

Restaurant. CO, C-1, C-2, C-3, M-1.

Restaurant, tea room or cafe. CO, C-1, C-2, C-3, M-1, R-1, R-2, R-3, R-A.

Retail office equipment sales. CO, C-1, C-2, C-3, M-1.

Retail sales of sporting goods, boats, boat motors, boat trailers, trailer coaches and their repair, rental and storage. O, CO, C-1, C-2, C-3, M-1.

Retail stores and offices incidental to and located on the site of a hotel, motel, resort, restaurant or guest ranch. O, CO, C-1, C-2, C-3, M-1.

Rug and carpet cleaning and dyeing. CO, C-1, C-2, C-3; M-1.

Satellite antenna sales. CO, C-1, C-2, C-3, M-1.

Satellite television antennas. CO, C-1, C-2, C-3, M-1.

School, private. CO, C-1, C-2, C-3, M-1, PO.

School, public. CO, C-1, C-2, C-3, M-1, PO.

Scientific instrument stores. CO, C-1, C-2, C-3, M-1.

Secondhand stores, pawn shops and thrift shops. CO, C-1, C-2, C-3, M-1.

Shoe repair shop. CO, C-1, C-2, C-3, M-1.

Shoe store. CO, C-1, C-2, C-3, M-1.

Sign painting shops. C-2, C-3, M-1.

Small appliance sales and service. CO, C-1, C-2, C-3, M-1.

Soda fountains. CO, C-1, C-2, C-3, M-1.

Sporting goods store. CO, C-1, C-2, C-3, M-1.

Stamp and coin stores. CO, C-1, C-2, C-3, M-1.

Storage of petroleum products for use on the premises. CO, C-1, C-2, C-3, M-1.

Studios (except motion picture). CO, C-1, C-2, C-3, M-1.

Tinsmith. C-2, C-3, M-1.

Tire sales (no retreading or recapping). C-2, C-3.

Tobacco and cigar stores. CO, C-1, C-2, C-3, M-1

Tourist Court. CO, C-1, C-2, C-3, M-1.

Toy store. CO, C-1, C-2, C-3, M-1.

Trailer and recreation vehicle sales, service and rentals. C-2, C-3, M-1, M-2, AP.

Travel agencies. CO, C-1, C-2, C-3, M-1.

Variety store. CO, C-1, C-2, C-3, M-1.

Video machine and tape sales/rental. CO, C-1, C-2, C-3, M-1.

Warehouses except for the storage of fuel or flammable liquids and explosives. CO, C-1, C-2, C-3, M-1.

Watch and clock repair shop. CO, C-1, C-2, C-3, M-1.

Wedding chapel. CO, C-1, C-2, C-3, M-1.

### **VARIANCE PROCEDURES III. Notice A.**

Upon the filing of a verified application by a property owner or upon its own motion, the Planning Commission shall give public notice of the intention to consider the granting of a variance as provided in Section 18. (Amended by Ord. No. 810, effective 1-11-62.)

1. If the variance will allow new residential use of the property, and such residential use is not allowed without such variance, the following shall apply:
  - a. If a school district in which the proposed variance is located has made the findings specified in Section 7602 of the Ordinance Code of Tulare County and the Board of Supervisors has concurred in such findings and determined the fees payable by a

developer in accordance with Sections 7-21-1020 and 7-21-1040 of the Ordinance Code, the Planning Commission shall not approve the proposed variance without finding that the fees previously determined by the Board are required, and imposing such fees as a condition of approval.

- b. The applicant may appeal the requirement of fees to the Board of Supervisors in accordance with Section 7-21-1030 of the Ordinance Code of Tulare County. (Paragraph 1. added by Ord. No. 2217, effective 3-22-79; amended by Ord. No. 2668, effective 10-3-85.)
2. If the variance will allow a use of real property which is subject to review by the Site Plan Review Committee under Section 16.2 of this Ordinance, the Planning Commission shall notify the Site Plan Review Committee of the fact that the permit or variance is under consideration. No decision of the Planning Commission on a variance subject to review by the Site Plan Review Committee shall be made unless and until the Site Plan Review Committee submits a written report as required by this Ordinance. (Paragraph 2. added by Ord. No. 2417, effective 5-28-81.)

#### **Action by Planning Commission B.**

Not more than thirty-five (35) days following said hearing, the Planning Commission shall announce its findings by formal resolution and said resolution shall recite, among other things, the facts and reasons which, in the opinion of the Commission, make the granting or denial of the variance necessary to carry out the provisions of this Section and the general purposes of this Ordinance. If such resolution grants the variance, it shall also impose such conditions and limitations as may be needed to carry out the purposes of this Section. Such resolutions shall be numbered consecutively in the order of their passage and shall become a permanent record of the Planning Commission. (Amended by Ord. No. 2179, effective 11-23-78.)

#### **Variance Findings C.**

Before any variance may be granted, it shall be shown:

1. That there are special circumstances applicable to the property involved including size, shape, topography, location or surroundings, so that the strict application of the zoning ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
2. That the granting of the variance will be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.
3. That the variance will not authorize a use or activity which is not otherwise expressly authorized by the zone regulations governing the parcel of property.
4. That the granting of the variance is consistent with the General Plan.

In addition, if the variance pertains to a building or structure located within the building line setbacks established pursuant to Sections 7-19-1000 et seq. of the Ordinance Code of Tulare County, the findings required in Section 7-19-1215 of the Ordinance Code shall also be made before any variance may be granted. (Amended by Ord. No. 2107, effective 5-4-78; amended by Ord. No. 2481, effective 7-1-82.)



Further, if the variance pertains to any aspect of a specified hazardous waste facility, such variance shall not be approved unless the Board of Supervisors finds, based upon substantial evidence in the record, that the granting of the variance is consistent with Sections 7.2 and 7.3 of the Tulare County Hazardous Waste Management plan which identify siting criteria for hazardous waste facilities. (Amended by Ord. No. 2918, effective 8-25-90.)

**Application Requirements D.**

Application for a variance shall set forth in detail such factors as, in the opinion of the applicant, pertain to subparagraphs 1, 2, 3, and 4 of Paragraph C next above.

**Amendments E.**

Any person holding a variance may apply for an amendment to the variance by filing an application with the Planning and Development Director. For purposes of this subpart, the amendment of a variance may include modifications of the terms of the variance itself, or the application, waiver or alteration of conditions. The same procedures shall be followed in processing the application for amendment of a variance as are applicable to a new variance under this ordinance including, but not limited to, the public notices, hearings and appeal rights set forth in Section 18. (Added by Ord. No. 2884, effective 9-9-89.)